DOCUMENT RESUME

ED 429 361 EA 029 772

TITLE	Office for Civil Rights: Ensuring Equal Access to Quality Education. Revised.
INSTITUTION	Office for Civil Rights (ED), Washington, DC.
PUB DATE	1999-05-00
NOTE	14p.; For the 1996 brochure, see ED 402 646.
PUB TYPE	Reports - Descriptive (141)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Civil Law; *Civil Rights; Civil Rights Legislation; *Compliance (Legal); Elementary Secondary Education; *Equal Education; Federal Regulation; Higher Education; Legal Responsibility; Student Rights
IDENTIFIERS	*Office for Civil Rights

ABSTRACT

This brochure describes the activities of the Office for Civil Rights (OCR) in the U.S. Department of Education. The OCR is a law-enforcement agency charged with upholding the federal civil-rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance. The pamphlet describes how civil-rights laws apply to most educational institutions in the nation, including almost 15,000 school districts and more than 3,600 colleges and universities, as well as students and employees. The OCR receives discrimination complaints directly from the public, as many as 5,000 each year, featuring such issues as ability grouping, school desegregation, racial harassment, sexual harassment, treatment of students who are pregnant, accessibility of school facilities and programs, appropriate special-education services, and auxiliary aids for students with impaired sensory, manual, or speaking skills. Also described are the ways that OCR resolves complaints and how the agency carries out compliance reviews. The OCR also offers technical assistance for people and institutions to help them comply with federal law. A brief description of the impact of the civil-rights laws, as well as an overview of the future challenges of the OCR, are provided. (RJM)

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Office for Civil Rights

Ensuring Equal Access to Quality Education

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Responsibilities of the Office for Civil Rights

The Office for Civil Rights (OCR), in the U.S. Department of Education, is a law enforcement agency. It is charged with enforcing the federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance. These laws are as follows:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination)
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination)
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination)
- Age Discrimination Act of 1975 (prohibiting age discrimination)
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination by public entities, including public school districts, public colleges and universities, public vocational schools, and public libraries, whether or not they receive Federal financial assistance)

The civil rights laws represent a national commitment to end discrimination in educational programs. The laws also work toward promoting the Department's mission -- ensuring equal access to education and promoting educational excellence throughout the nation. Most of OCR's activities take place in OCR enforcement offices around the country. In Washington, D.C., the Office of the Assistant Secretary for Civil Rights provides overall leadership and coordination.

The Laws Apply to Educational Institutions

The civil rights laws extend to most educational institutions in the nation. This is because most of them receive some type of federal financial assistance. This means that the civil rights laws cover:

- almost 15,000 school districts
- more than 3,600 colleges and universities
- about 5,000 proprietary organizations, such as training schools for truck drivers and cosmetologists
- thousands of libraries, museums, vocational rehabilitation agencies, and correctional facilities

The Laws Apply to Students and Employees

The civil rights laws protect large numbers of students attending, or applying to attend, our educational institutions. The laws protect:

- about 52.7 million students attending elementary and secondary schools
- about 14.6 million students attending our colleges and universities

The laws also protect, in certain situations, persons who are employed, or seeking employment, at educational institutions.

OCR Receives Discrimination Complaints from the Public

One important way OCR carries out its responsibilities is by resolving complaints filed by students, parents and others. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. Generally, OCR will take action only with respect to those complaints that have been filed within 180 calendar days of the last act of alleged discrimination, or where the complaint alleges a continuing discriminatory policy or practice.

OCR receives approximately 5,000 complaints each year. The complaints OCR receives involve some of the most important issues affecting equal access to quality education.

Under Title VI -- race and national origin discrimination -- complaints include such issues as:

- ability grouping
- access to alternative-language services by English-language-learners
- disciplinary practices
- student assignment policies, including assignment to gifted and talented programs
- interdistrict student transfers
- school desegregation
- racial harassment
- student housing on college campuses
- academic grading

Under Title IX -- sex discrimination -- complaints include such issues as:

- sexual harassment
- equal opportunity in interscholastic or intercollegiate athletics

- treatment of students who are pregnant
- admission to postsecondary institutions

Under Section 504 and Title II -- disability discrimination -- complaints include such issues as:

- accessibility of school facilities and programs
- appropriate special education services
- evaluation and placement of students who may need special education services
- teaching students in the least restrictive environment consistent with their educational needs
- suspension and expulsion of students with disabilities
- academic adjustments and modifications
- auxiliary aids for students with impaired sensory, manual, or speaking skills

How OCR Resolves Complaints

OCR's primary objective in complaint resolution is to resolve the complainant's allegations of discrimination promptly, fairly, and appropriately. OCR has found that the best way to resolve problems is a collaborative approach among students, parents, community groups, state education agencies, and schools and colleges. A variety of tools are used for resolving complaints. These include resolution between parties, agreements for corrective action, and enforcement. Any approach, or combination of approaches, may be initiated at any time and multiple approaches may be used to resolve any complaint. This flexible approach allows OCR to:

- provide timely and effective intervention at the beginning of the complaint process
- focus on achieving positive change
- make students, parents, and school officials central to the resolution of their own complaints

OCR Carries Out Compliance Reviews

Not all illegal discrimination can be stopped or remedied by responding to complaints that arrive from the public. Agency-initiated cases, typically called "compliance reviews," permit OCR to

target resources on compliance problems that appear particularly acute, or national in scope, or which are newly emerging.

Targeted compliance reviews maximize the impact of OCR's resources and balance the enforcement program. Compliance reviews assure that vulnerable groups, such as the very poor or non-English speaking individuals, who may be less aware of the laws, have their civil rights protected. OCR's experience also shows that careful targeting of compliance reviews nearly always results in recipients making policy or program changes that benefit large numbers of students -- unlike complaints where remedies may benefit only the complaining party.

Selection of reviews is based on various sources of information, including survey data and information provided by complainants, education groups, media, and the public. OCR conducts compliance reviews on such issues as:

- minority students in special education and low track courses
- access to programs for limited-English proficient students
- fair student assessment practices
- access to gifted and talented and other advanced placement courses
- racial harassment

- desegregation in higher education and in elementary and secondary school systems

OCR recognizes that federal, state, and local education agencies, as well as parents and other interested parties, share a common goal of providing equal opportunity and access to high-standards education. OCR combines its expertise with these partners and stakeholders to come up with effective solutions, including educationally sound remedies that increase educational opportunities for all students.

OCR's Technical Assistance Helps People and Institutions

The aim of OCR's technical assistance efforts is to prevent violations of the civil rights laws. This is accomplished by helping recipients comply with the laws and helping beneficiaries understand their rights. In view of the millions of students protected by the civil rights laws, OCR recognizes that its efforts alone are insufficient to stop illegal discrimination in education. Students, parents, and educators must have the knowledge and skills to prevent illegal discrimination from occurring in the first place.

OCR provides assistance to enable institutions to come into compliance during the complaint resolution process or during a compliance review. In addition, OCR also conducts a broad program of

proactive technical assistance outreach through such activities as onsite consultations, conference participation, training classes, workshops and meetings, as well as through written information and tens of thousands of telephone conversations annually. OCR continually compiles strategies and programs that hold promise in addressing civil rights concerns. Also, many OCR offices have developed customer service teams to be more responsive to our partners and stakeholders and members of the public. OCR has established a home page, which also is linked to the Department's world wide web site at http://www.ed.gov/offices/OCR.

Impact of the Civil Rights Laws

Enforcement of the federal civil rights laws have helped bring about profound changes in American education and improved the educational opportunities of millions of students. Many barriers that once prevented individuals from freely choosing the educational opportunities and careers they would like to pursue have been brought down. For example, we are witnessing a growing participation of minority students in Advanced Placement (AP) classes. Many school systems are now making it possible for students who are not proficient in English to participate effectively in their educational programs. Many more students with disabilities are now able, with the provision of supplementary aids

and services, to participate in regular education classes. Female and male students are taking algebra, geometry, calculus, biology, and chemistry in about the same proportion. There also has been a dramatic increase in the number of women entering traditionally male-dominated professional fields.

The civil rights laws have opened the doors to our schools and classrooms, our auditoriums, athletic fields, and arenas. In response, people from the many diverse backgrounds that represent today's America are coming through the doors, on the way to becoming our future leaders in business, government, science, arts, and education.

Challenges Ahead

While we recognize the progress brought about by enforcement of the civil rights laws, there are still persons in the nation illegally denied full educational opportunity. There are still policies and practices that deny challenging courses and programs to persons with disabilities, to females, to older Americans, and to racial and language minorities. A commitment to the goals of the civil rights compliance program -- equal access, educational excellence, and high standards for **all** students -- is an investment that must be made if we are to secure America's future.

Contacting OCR

If you would like more information about the laws enforced by the Office for Civil Rights, how to file a complaint, or how to obtain technical assistance, you may want to contact the enforcement office that serves your state or territory. For further information, please contact our Customer Service Team at the toll free number: 1-800-421-3481.

Revised May 1999

Office for Civil Rights
U.S. Department of Education

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